

**HOUSE INTERIM COMMITTEE  
ON PROVIDING AN APPROPRIATE EDUCATION FOR STUDENTS  
ON LONG-TERM SUSPENSION**



**REPORT TO THE HOUSE OF REPRESENTATIVES  
OF NORTH CAROLINA**

**APRIL, 2004**

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STATE OF NORTH CAROLINA

HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION  
FOR STUDENTS ON LONG-TERM SUSPENSION



April 15, 2004

TO THE HONORABLE MEMBERS OF THE NORTH CAROLINA HOUSE OF  
REPRESENTATIVES:

The House Interim Committee on Providing an Appropriate Education for  
Students on Long-Term Suspension submits to you for your consideration its  
report.

Respectfully submitted,

---

Representative Jean Preston  
Cochair

---

Representative Alex Warner  
Cochair



HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION  
FOR STUDENTS ON LONG-TERM SUSPENSION

**COMMITTEE MEMBERSHIP**

Representative Jean R. Preston, Co-Chair  
Representative Alex Warner, Co-Chair

Representative Larry Bell  
Representative Curtis Blackwood  
Representative Donald Bonner  
Representative Susan Fisher  
Representative Michael A. Gorman  
Representative Linda P. Johnson  
Representative David R. Lewis  
Representative Earline Parmon  
Representative John Sauls  
Representative Edith Warren  
Representative Larry Womble  
Mr. Lee Settle

**Research Staff**

Shirley Iorio  
Robin Johnson

**Fiscal Research Staff**

Adam Levinson



**James B. Black**  
**Speaker**



**Richard T. Morgan**  
**Speaker**

Office of the Speaker  
North Carolina House of Representatives  
Raleigh, North Carolina 27601-1096

---

**TO THE HONORABLE MEMBERS OF THE  
NORTH CAROLINA HOUSE OF REPRESENTATIVES**

**Section 1.** The House Interim Committee on Providing An Appropriate Education For Students On Long-Term Suspension is established by the Speakers, effective November 12, 2003, as an interim committee of the House pursuant to G.S. 120-19.6(a1).

**Section 2.** The Committee consists of 14 members. The individuals listed below are appointed as members of the Committee. Members serve at the pleasure of the Speakers of the House of Representatives.

Rep. Jean R. Preston, Co-Chair	Rep. David R. Lewis
Rep. Alex Warner, Co-Chair	Rep. Martin Nesbitt
Rep. Larry Bell	Rep. Earline Parmon
Rep. Curtis Blackwood	Rep. John Sauls
Rep. Donald Bonner	Rep. Edith Warren
Rep. Michael A. Gorman	Rep. Larry Womble
Rep. Linda P. Johnson	Mr. Lee Settle

**Section 3.** The Committee may meet during the interim period between regular sessions upon the call of its cochairs.

**Section 4.** The Committee shall study the feasibility and cost of developing a State plan to ensure that students recommended for long-term suspension receive an appropriate education. In undertaking this study, the Committee shall consider and report on whether and to what extent North Carolina should mandate the following:

- (a) Local school administrative units in North Carolina shall provide or cause to be provided an appropriate education for all students recommended for a long-term suspension.
- (b) Each student recommended for long-term suspension shall receive a multidisciplinary assessment and evaluation to (i)

ascertain the student's educational history, needs, and special learning problems and (ii) assess the risk the student poses to staff and other students. The assessment and evaluation shall include feedback and recommendations from local mental health and juvenile justice professionals.

- (c) An individualized education and service plan shall be developed for all students recommended for long-term suspension by a committee that includes education, mental health, and juvenile justice professionals, the student's parent or guardian, and any other person the committee considers appropriate. The chair of the Juvenile Crime Prevention Council or a designee shall serve as chair of this committee.
- (d) All efforts shall be made to reduce the risk the student poses to staff and other students and to allow the student to continue the student's education in the student's regular school without disruption. These efforts shall include the provision of related services and interventions from other agencies when considered necessary by the committee.
- (e) During the first 10 days of suspension, the local school administrative unit shall place the student recommended for suspension in a diagnostic setting for purposes of ensuring there is no disruption to the student's education and to complete the assessment process.
- (f) The local education agency shall contract with private or public agencies if an appropriate education cannot be provided within the school system. Funds appropriated to a local school administrative unit for the education of the student shall be used to pay for the program in which the student is placed.
- (g) The student's parent or guardian shall have the right to appeal the recommendation for the long-term suspension or any placement decision made by the local school administrative unit.
- (h) No student shall be rejected for education and services by a local school administrative unit unless a district court judge places the student in a juvenile justice program or facility. In that circumstance, the Department of Juvenile Justice and Delinquency Prevention is responsible for providing the student's education.

**Section 5.** The Committee shall report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before April 15, 2004, by filing one or more reports with the Speakers' offices, the House Principal Clerk, and the Legislative Library.

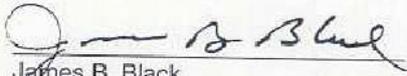
The Committee terminates on April 15, 2004, or upon the filing of its final report, whichever occurs first.

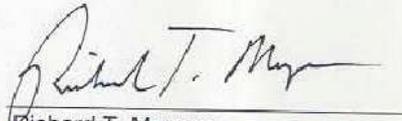
**Section 6.** The Committee is vested with the authority contained in Article 5A of Chapter 120 of the General Statutes.

**Section 7.** Members of the Committee shall receive per diem, subsistence, and travel allowance at the rate established in G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate.

**Section 8.** The expenses of the Committee are considered expenses incurred for the operation of the House of Representatives and shall be paid pursuant to G.S. 120-35 from funds available to the House for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speakers of the House of Representatives.

Effective this 12th day of November, 2003.

  
James B. Black  
Speaker

  
Richard T. Morgan  
Speaker



**HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE  
EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION**

***AGENDA***

**Tuesday, December 16, 2003, 9:00 a.m.  
Room 1228, Legislative Building  
Representative Preston, Presiding**

- ❖ **WELCOME AND INTRODUCTIONS**  
Representative Preston and Representative Warner, Cochairs
- ❖ **REVIEW OF COMMITTEE AUTHORIZATION (9:15-9:20)**  
Ms. Robin Johnson, Committee Counsel
- ❖ **OVERVIEW OF COMMITTEE WORK (9:20-9:30)**  
Ms. Robin Johnson, Committee Counsel
- ❖ **SUMMARY OF APPLICABLE LAWS (9:30-10:15)**  
Ms. Robin Johnson, Committee Counsel
- ❖ **FINANCING THE EDUCATION OF STUDENTS ON LONG-TERM  
SUSPENSION (10:15-11:00)**  
Mr. Adam Levinson, Committee Fiscal Analyst
- ❖ **WHAT OTHER STATES ARE DOING (11:00-11:30)**  
Ms. Sara Kamprath, Education Policy Analyst
- ❖ **LUNCH BREAK (11:30-12:30)**
- ❖ **WHO RECEIVES A LONG-TERM SUSPENSION? WHAT HAPPENS  
TO THEM? (12:30-2:30)**  
Dr. Bradley McMillen, Ed. Research & Evaluation Consultant, DPI  
Ms. Marguerite Peebles, Chief, Alternative and Safe Schools/Instructional  
Support Section, DPI
- ❖ **DISCUSSION OF FUTURE MEETINGS (2:30-3:00)**  
Representative Preston and Representative Warner



**HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE  
EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION**

***AGENDA***

**Tuesday, January 20, 2004, 9:00 a.m.  
Room 1228, Legislative Building  
Representative Preston, Co-chair  
Representative Warner, Co-chair**

❖ **WELCOME**

Representative Warner, Presiding

❖ **Review and Preview**

Dr. Shirley Iorio, Committee Policy Analyst

❖ **Programs and Services for Long-Term Suspended Students (9:00-12:00)**

○ **Department of Juvenile Justice and Delinquency Prevention (DJJDP)**

George L. Sweat, Secretary, DJJDP

Jane Young, Superintendent of Schools, DJJDP

Joanne McDaniel, Chief of Staff/Director of Center for the Prevention of School Violence, DJJDP

Kathy Dudley, Court Services Manager, DJJDP

Maxine Evans-Armwood, Chief Court Counselor (Nash, Edgecombe, and Wilson Counties)

Sarah Taylor, Director, Twin County Juvenile Day Reporting Center, Rocky Mount

Dean Vick, Juvenile Crime Prevention Council Area Consultant, Piedmont Area, DJJDP

❖ **LUNCH BREAK (12:00-1:00)**

**(over)**

❖ **Programs and Services for Long-Term Suspended Students (1:00-4:00)**

○ **Governor's Crime Commission (GCC)**

Michelle Zechmann, Lead Juvenile Justice Planner, GCC

Teresa Price, Rockingham County ALP

Pam Hill, Randolph County Juvenile Day Reporting Center

Jeff McInnis, Guilford Structured Day Program

John Lauterbach, Caring for Children, Buncombe County

**HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE  
EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION**

***AGENDA***

**Wednesday, January 21, 2004, 9:00 a.m.  
Room 1228, Legislative Building  
Representative Preston, Co-chair  
Representative Warner, Co-chair**

- ❖ **Welcome**  
Representative Preston, Presiding
  
- ❖ **Programs and Services for Long-Term Suspended Students (9:00-12:00)**
  - **Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMHDDSAS)**  
Cyndie Bennett, Superintendent, Office of Education Services, DHHS  
  
Susan Robinson, Child Mental Health Plan Director, DMHDDSAS  
  
Lisa Lackman, System of Care Site Director, Orange-Person-Chatham Mental Health Developmental Disabilities and Substance Abuse Services  
  
Kim Carangis, Director, Chatham County Together  
  
Dave Cain, Director, PORT Adolescent Program  
  
Johann Bleicher, Educational Coordinator, Pitt County Schools  
  
Beth Nelson, Program Manager, Wake County Human Services
  
- ❖ **LUNCH BREAK (12:00-1:00)**

**(over)**

❖ **School Counselors Association (1:00-3:00)**

Audrey Thomasson, Middle School Counselor, Wake County, and Executive Director, NC School Counselor Association (NCSCA)

Linda Kopec, Elementary School Counselor, Onslow County, and President, NCSCA

Marrius Pettiford, Dean of Students, Southeast Raleigh High School, Wake County, and President-Elect, NCSCA

Tara Winter, Elementary School Counselor, Wake County, and Government Relations Chairperson, NCSCA

Eric Sparks, Supervisor, Wake County Schools, and Post-Secondary/Supervisor Vice-President for the American School Counselor Association (ASCA)

Stephanie Slowik, Elementary School Counselor, Wake County, and Co-Chair of Government Relations for NCSCA

**HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE  
EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION**

***AGENDA***

**Tuesday, March 9, 2004, 9:00 a.m.  
Room 1228, Legislative Building  
Representative Preston, Co-chair  
Representative Warner, Co-chair**

- ❖ **WELCOME**  
Representative Warner, Presiding
- ❖ **School Counselors Association of North Carolina (9:00-9:15)**  
Gene Causby
- ❖ **Programs and Services for Long-Term Suspended Students (9:15-9:45)**  
Ms. Joann Lamm, Program Administrator for Family Support & Child Welfare Services, DHHS
- ❖ **Accountability and Achievement (9:45-10:30)**  
Lou Fabrizio, Director, Accountability Services, DPI  
Dr. Bradley McMillen, Ed. Research & Evaluation Consultant, DPI
- ❖ **Annual Study of Suspensions and Expulsions (10:30-11:00)**  
Lou Fabrizio, Director, Accountability Services, DPI  
Dr. Bradley McMillen, Ed. Research & Evaluation Consultant, DPI
- ❖ **North Carolina Association of School Administrators (11:00-11:15)**  
Dr. Jim Causby, Executive Director
- ❖ **Burke County Schools (11:15-11:45)**  
David Burleson, Superintendent
- ❖ **North Carolina Association of Educators (11:45-12:00)**  
Eddie Davis, Vice-President

**LUNCH (12:00-1:00)**

**(over)**

❖ **Wilson County Schools (1:00-1:30)**

Dr. Larry Price, Superintendent

❖ **New Hanover County Schools (1:30-2:00)**

Dr. John Morris, Superintendent

❖ **Traditional Schools (2:00-3:00)**

Cory Satterfield, Principal, Ellerbe Jr. High, Richmond County  
Gary McDonald, Principal, Forbush High, Yadkin County

**HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE  
EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION**

***AGENDA***

**Wednesday, March 10, 2004, 9:00 a.m.  
Room 1228, Legislative Building  
Representative Preston, Co-chair  
Representative Warner, Co-chair**

- ❖ **Welcome**  
Representative Preston, Presiding
- ❖ **North Carolina Association of Alternative Educators (9:00-9:30)**  
Karen Hamilton, Treasurer  
Dr. Worda James, President-Elect  
Mary Owen, Membership Chair
- ❖ **Alternative Schools (9:30-11:30)**  
Alayna Gray, Principal, Pender County Alternative  
Karen Hamilton, Principal, Longview School, Wake County  
Dr. Worda James, Principal, Asbury School, Lincoln County  
Mary Owens, former Principal/Alternative School, Cumberland  
County
- ❖ **Committee Discussion of Recommendations and/or Proposed  
Legislation (11:30-1:00)**



***House Interim Committee on Providing an Appropriate  
Education for Students on Long-Term Suspension  
Committee Discussion  
March 10, 2004***

In order to think about possible recommendations, including any possible draft legislation, to make to the General Assembly for the Short Session, this is a list that includes many of the issues or suggestions that have arisen during previous committee meetings. They are arranged by general topic, but are otherwise not in any particular order. Their inclusion on this list does not indicate that the cochairs necessarily endorse them.

**AMEND SUSPENSION STATUTES/POLICIES**

- \_\_\_ 1. Direct SBE to adopt guidelines for short- and long- term suspensions – reasons for and length of suspension. Disseminate guidelines to local boards.
  
- \_\_\_ 2. Direct local boards to revise code of conduct to include positive consequences/purposes for appropriate behavior.
  
- \_\_\_ 3. Direct SBE to establish a task force to examine the law governing expulsion, and to determine whether changes to that law are needed to clarify when a student may be expelled. Report to 2005 General Assembly.
  
- \_\_\_ 4. Direct SBE to identify reasons for credits not being transferable to a traditional school from an alternative educational program (e.g., a structured day program) provided by another agency or nonprofit. Based on this information, direct SBE to adopt a policy to enable long-term suspended students who enter these programs to receive any credits (grades, attendance, etc.) for their participation in those programs.
  
- \_\_\_ 5. Direct SBE to establish a task force of local board members and school administrators to recommend a number of days for an appeal following a superintendent's long-term suspension of a student. Report to 2005 General Assembly.
  
- \_\_\_ 6. Require LEAs to provide opportunities for students to make-up and receive credit for academic work missed during the period of any suspension. This should include the opportunity to take end-of-grade and end-of-course tests.
  
- \_\_\_ 7. Require LEAs to offer an alternative setting to any student subject to a long-term suspension. Alternative setting may be in a public school, private setting, or other state or local program.
  
- \_\_\_ 8. Require intervention plan for any student upon a second or third short-term suspension, or after several short-term suspensions totaling at least 11 days, or after a specified number of unexcused absences. The plan should include high educational expectations and require a parental signature, a focus on educational needs (especially

reading), and an accountability component. Plan must be transportable to follow the student.

\_\_\_ 9. Direct SBE to evaluate whether a student who has been long-term suspended through the end of the school year should be coded as a withdrawn student.

\_\_\_ 10. Encourage LEAs to meet with community stakeholders in order to reach community solutions for meeting the educational needs of students who are long-term suspended.

### **SUPPORT INTERAGENCY INITIATIVES**

\_\_\_ 11. Require all mandated participants of the JCPC's to sign the county plan, acknowledging support and agreement with the county plan that is submitted to the State each year.

\_\_\_ 12. Direct local boards to evaluate their policies related to after school programs that have an academic or therapeutic focus and that are provided in school facilities to determine whether and under what circumstances students who have been suspended are allowed to participate in those programs.

### **FUNDING**

\_\_\_ 13. Direct LEAs to use a portion of staff development funds for professional development activities for teachers, mentors, and administrators in diversity training, anger management, conflict resolution, classroom management.

\_\_\_ 14. Require LEAs to use a specified percentage of At Risk funds for services, including alternative programs and transition counselors, for students who have been, or at risk of being, suspended.

\_\_\_ 15. Require ADM funds to follow a student who is assigned to an alternative program providing educational services for suspended/expelled students.

### **PERSONNEL ISSUES**

\_\_\_ 16. Require every LEA to employ at least one transition counselor. This could be based on number of suspensions/expulsions the previous school year.

\_\_\_ 17. Encourage Senate to adopt HB 463: *Update Sch. Counselor Job Description*. This bill, introduced by Representative Bell and passed by the House, would direct the State Board to update and clarify the job description of guidance counselors.

\_\_\_ 18. Require a special education teacher in any ALP that serves students with disabilities.

\_\_\_ \$19. Endorse State Board of Education's recommendation to fund test coordinators.

**HOUSE INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE  
EDUCATION FOR STUDENTS ON LONG-TERM SUSPENSION**

***DRAFT AGENDA***

**Tuesday, March 23, 2004, 9:00 a.m.  
Room 1228, Legislative Building  
Representative Preston, Co-chair  
Representative Warner, Co-chair**

❖ **WELCOME**

Representative Warner, Presiding

❖ **PANEL OF SCHOOL BOARD ATTORNEYS**

Ms. Ann Majestic, Attorney, Tharrington Smith, Raleigh

Mr. Walter Currie, Attorney, Roberts & Stevens, Asheville

Ms. Arnita Dula, Attorney and Hearing Officer, Guilford County Schools

❖ **DRAFT OF FINAL COMMITTEE REPORT**



***House Interim Committee on Providing an Appropriate  
Education for Students on Long-Term Suspension  
Committee's Proposed Recommendations  
March 18, 2004***

The following is the list of the top eight issues based on the ranking provided by members at the March 10, 2004, committee meeting. There were nine responses and this list includes the items that received six or seven votes. The first item received seven votes. Items two through seven each received six votes. Their priority scores were totaled and ranked in order from highest priority to lowest. The final item received five votes, but the cochairs believe it should be combined with issues one and four. The language for some of the items has been reworded based on committee discussion and input from other interested parties.

\$\$ -- would require additional funds.

There will be six proposed bills for the committee to consider at the next meeting. Items 1, 4 and 8 will be combined into one draft bill. The others will be separate draft bills.

1. Encourage LEAs to meet with community stakeholders in order to reach community solutions for meeting the educational needs of students who are long-term suspended.
2. Direct the State Board of Education to study and recommend to the 2005 General Assembly a formula for allotting funds to alternative learning programs and alternative schools based on the number of students expelled or suspended for more than 10 days and who are assigned to those programs and schools. The Board should consider as a basis for this formula existing funding formulas used for children with disabilities, academically or intellectually gifted children, and students with limited English proficiency.
3. Direct the State Board of Education to establish and recommend to the 2005 General Assembly a specified percentage of At Risk funds for services to be provided to students who have been suspended for more than 10 days.
- \$\$ 4. Require LEAs to offer an alternative setting to any student subject to a long-term suspension. Alternative setting may be in a public school, private setting, or other state or local program.
5. Require intervention plan for any student upon a second or third short-term suspension, or after several short-term suspensions totaling at least 11 days, or after a specified number of unexcused absences. The plan should include high educational expectations and require a parental signature, a focus on educational needs (especially reading), and an accountability component. Plan must be transportable to follow the

student. This plan may be part of any other plan, such as an IEP, that is required to be developed for a particular student.

6. Direct the State Board of Education to adopt a policy that requires all teachers and administrators to take, during each five-year license renewal cycle, three renewal credits in diversity training, anger management, conflict resolution, or classroom management. Direct the State Board to determine whether teacher preparation programs should require similar courses.

7. Require every alternative school to employ at least one school counselor. Target and fund counselors in every middle school as defined in G.S. 115C-75(a).

8. Require all participants of the JCPC's to sign the county plan, acknowledging support and agreement with the county plan that is submitted to the State each year. Require plan to identify a continuum of available and appropriate services and programs that can be offered to students suspended for more than 10 days. Direct State agencies to develop a system to facilitate the blending of agency funds in order to pay for these services and programs.



1 agencies, local school administrative units, charter schools, and private organizations.  
2 The Council shall report its findings and any recommendations under this section to  
3 the local school administrative unit located within the county. The initial report shall  
4 be no later than December 30, 2004. The Council shall review and update this report  
5 every five years."

6 **SECTION 2.** G.S. 115C- 47 is amended by adding the following new  
7 subdivision to read:

8 **"§ 115C-47. Powers and duties generally.**

9 In addition to the powers and duties designated in G.S. 115C-36, local boards of  
10 education shall have the power or duty:

11 ...

12 (44) To Establish a Continuum of Educational Services for Students  
13 Who are Suspended for More than 10 School Days. -- Each local  
14 board of education is encouraged to direct school administrators,  
15 teachers, students, and parents to meet with community  
16 stakeholders in order to reach community solutions for meeting the  
17 needs of students who are suspended for more than 10 days. In  
18 particular, the board shall direct the superintendent or the  
19 superintendent's designee to attend regularly scheduled meetings of  
20 the Juvenile Crime Prevention Council established under G.S.  
21 143B-544 and to participate in the work of the Council under G.S.  
22 143B-549.1. Based on the findings and recommendations of the  
23 Council under G.S. 143B-549.1, the board shall adopt a policy that  
24 establishes a continuum of available and appropriate settings that  
25 can be offered to a student when the student is suspended for more  
26 than 10 school days. The alternative settings may be in a school  
27 within that local school administrative unit, in a school within  
28 another local school administrative unit, in a charter school, or in an  
29 outside setting. The outside settings may be under the control of a  
30 State agency, local agency, or private organization."

31 **SECTION 3.** G.S. 115C-391 is amended by adding the following new  
32 subsection to read:

33 "(i) Notwithstanding any other provision of law, at the time a student is  
34 suspended for more than 10 school days, the student shall be offered the opportunity  
35 to spend the days in an appropriate alternative setting as identified by the local board  
36 of education under G.S. 115C-47(44)."

37 **SECTION 4.** Section 3 of this act becomes effective July 1, 2005, and  
38 applies to schools beginning with the 2005-2006 school year. The remainder of this  
39 act is effective when it becomes law.









GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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D

BILL DRAFT 2003-RHz-10 [v.3] (3/19)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
5/10/2004 3:22:04 PM

Short Title: Intervention plans for suspended students. (Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE HOUSE  
3 INTERIM COMMITTEE ON PROVIDING AN APPROPRIATE EDUCATION  
4 FOR STUDENTS ON LONG-TERM SUSPENSION TO REQUIRE SCHOOLS  
5 TO DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR  
6 STUDENTS WHO ARE SUSPENDED FROM SCHOOL.  
7 The General Assembly of North Carolina enacts:  
8 **SECTION 1.** Chapter 115C of the General Statutes is amended by adding  
9 the following new Article to read:  
10 "ARTICLE 27B.  
11 Intervention Plans for Suspended Students.  
12 § 115C-397.10. Intervention plans for suspended students.  
13 (a) Local school administrative units shall develop an intervention plan for any  
14 suspended student. This plan may be part of any other plan, such as an Individualized  
15 Education Program, that is required to be developed for a particular student. The plan shall  
16 include, at a minimum, all of the following:  
17 (1) High educational expectations for the student.  
18 (2) Strategies to address the underlying reasons for the student's  
19 conduct that led to the suspension.  
20 (3) A focus on the student's particular educational needs, especially  
21 reading.  
22 (4) The signature of the student's parent or guardian.  
23 (5) An accountability component.

1        (b) For the purpose of this Article, the term "suspended student" means a  
2 student who meets at least one of the following criteria:

3            (1) The student receives a suspension of more than 10 school days.

4            (2) The student receives multiple suspensions of individual terms of 10  
5 or fewer school days but that total more than 10 school days during  
6 one school year.

7            (3) The student accumulates five unexcused absences during one school  
8 year."

9        **SECTION 2.** G.S. 115C-402 reads as rewritten:

10        **"§ 115C-402. Student records; maintenance; contents; confidentiality.**

11        (a) The official record of each student enrolled in North Carolina public  
12 schools shall be permanently maintained in the files of the appropriate school after  
13 the student graduates, or should have graduated, from high school unless the local  
14 board determines that such files may be filed in the central office or other location  
15 designated by the local board for that purpose.

16        (b) The official record shall contain, as a minimum, adequate identification  
17 data including date of birth, attendance data, grading and promotion data, and such  
18 other factual information as may be deemed appropriate by the local board of  
19 education having jurisdiction over the school wherein the record is maintained. Each  
20 student's official record also shall include notice of any suspension for a period of  
21 more than 10 days or of any expulsion under ~~G.S. 115C-391 and G.S. 115C-391~~, the  
22 conduct for which the student was suspended or ~~expelled. expelled, and an~~  
23 intervention plan developed under G.S. 115C-397.10. The superintendent or the  
24 superintendent's designee shall expunge from the record the notice of suspension or  
25 expulsion and an intervention plan if the following criteria are met:

26            (1) One of the following persons makes a request for expungement:

27                    a. The student's parent, legal guardian, or custodian.

28                    b. The student, if the student is at least 16 years old or is  
29 emancipated.

30            (2) The student either graduates from high school or is not expelled or  
31 suspended again during the two-year period commencing on the  
32 date of the student's return to school after the expulsion or  
33 suspension.

34            (3) The superintendent or the superintendent's designee determines that  
35 the maintenance of the record is no longer needed to maintain safe  
36 and orderly schools.

37            (4) The superintendent or the superintendent's designee determines that  
38 the maintenance of the record is no longer needed to adequately  
39 serve the child.

40        (c) Notwithstanding subdivision (b)(1) of this section, a superintendent or the  
41 superintendent's designee may expunge from a student's official record any notice of

1 | suspension or expulsion and an intervention plan provided all other criteria under  
2 | subsection (b) are met.

3 | (d) Each local board's policy on student records shall include information on  
4 | the procedure for expungement under subsection (b) of this section.

5 | (e) The official record of each student is not a public record as the term  
6 | "public record" is defined by G.S. 132-1. The official record shall not be subject to  
7 | inspection and examination as authorized by G.S. 132-6.

8 | (f) The actual address and telephone number of a student who is a participant  
9 | in the Address Confidentiality Program established pursuant to Chapter 15C of the  
10 | General Statutes or a student with a parent who is a participant in the Address  
11 | Confidentiality Program established pursuant to Chapter 15C of the General Statutes  
12 | shall be kept confidential from the public and shall not be disclosed except as  
13 | provided in Chapter 15C of the General Statutes."

14 | **SECTION 3.** This act is effective when it becomes law, and is applicable  
15 | beginning with the 2005-2006 school year.











## Proposed Legislation based on Committee Recommendations Analysis of Fiscal Impact

The only proposed legislation resulting from Committee recommendations that creates a direct fiscal impact on the State is Bill Draft 2003-RHz-11[v.1], short titled “Counselors in Alternative & Middle Schools.” This bill appropriates **\$23,900,709** in expansion funds for fiscal year (FY) 2004-05 to support two new initiatives (as described in section 1 of the bill):

- At least one counselor in each alternative school, and
- One counselor for every 250 middle school students.

### Summary of Fiscal Impact for FY 2004-05

Initiative: Counselors	Additional Counselors	Additional Appropriation
Alternative Schools (1 per school)	13	\$ 662,493
Middle Schools (1:250 students)	456	\$23,238,216
<b>Totals</b>	<b>469</b>	<b>\$23,900,709</b>

*Source: Department of Public Instruction (DPI)*

#### METHODOLOGY:

##### Alternative Schools

Of the 72 alternative schools operating in FY 2003-04, thirteen schools do not report employment of a counselor. Thirteen additional counselors at the State average salary and benefits of \$50,961 will require an appropriation of **\$662,493**. This cost will remain relatively stable in out years, fluctuating as the number of alternative schools changes.

##### Middle Schools

Based on current year data, the ratio of counselors to students in middle schools is approximately 1:367. Reducing that ratio to the 1:250 directed in the bill requires hiring an additional 456 counselors. At the State average salary and benefits of \$50,961, the appropriation required to support those additional counselors in FY 2004-05 is **\$23,238,216**. This incremental cost will fluctuate in out years depending upon whether middle school enrollment increases or declines in a given year.